

1 GARY S. WINUK
Chief of Enforcement
2 NEAL P. BUCKNELL
Senior Commission Counsel
3 Fair Political Practices Commission
428 J Street, Suite 620
4 Sacramento, CA 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of:

12 STUART WALDMAN, FRIENDS OF
13 STUART WALDMAN, and KINDE
DURKEE,

14 Respondents.

FPPC No. 10/643

STIPULATION, DECISION AND ORDER

15
16 **STIPULATION**

17 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,
18 and Respondents Stuart Waldman, Friends of Stuart Waldman, and Kinde Durkee agree that this
19 Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next
20 regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
22 matter and to reach a final disposition without the necessity of holding an additional administrative
23 hearing to determine the liability of Respondents.

24 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
25 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
26 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
27 appear personally at any administrative hearing held in this matter, to be represented by an attorney at
28 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

3 As described in Exhibit 1, it is further stipulated and agreed that:

- 4 (i) Respondent Stuart Waldman failed to deposit personal funds into the single, designated
5 campaign bank account for Respondent Friends of Stuart Waldman prior to expenditure,
6 in violation of Government Code section 85201, subdivisions (d) and (e) (one count);
7 (ii) Respondents Stuart Waldman, Friends of Stuart Waldman, and Kinde Durkee failed to
8 correctly report campaign expenditures on filed campaign statements, in violation of
9 Government Code section 84211, subdivision (k) (one count); and
10 (iii) Respondents Stuart Waldman, Friends of Stuart Waldman, and Kinde Durkee failed to
11 timely report subvendor information on the semi-annual campaign statement filed for the
12 period ending June 30, 2008, in violation of Government Code sections 84211,
13 subdivision (k), and 84303 (one count).

14 Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein,
15 is a true and accurate summary of the facts in this matter.

16 Respondents agree to the issuance of the Decision and Order, which is attached hereto, and
17 Respondents agree to the Commission imposing upon them an administrative penalty in the amount of
18 \$8,000, of which Respondent Stuart Waldman is jointly and severally liable for the full amount, and
19 Respondents Friends of Stuart Waldman and Kinde Durkee are jointly and severally liable for \$5,000. A
20 cashier's check or money order from one or more Respondents totaling said amount, made payable to the
21 "General Fund of the State of California," is/are submitted with this Stipulation as full payment of the
22 administrative penalty and shall be held by the State of California until the Commission issues its
23 Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to
24 accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the
25 Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in
26 connection with this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and
27 agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing before
28 ///

1 the Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
2 shall be disqualified because of prior consideration of this Stipulation.

3
4 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

5
6
7 Dated: _____

Stuart Waldman, Individually and on Behalf of
Friends of Stuart Waldman, Respondents

8
9
10 Dated: _____

Kinde Durkee, Respondent

11
12 **DECISION AND ORDER**

13 The foregoing Stipulation of the parties “In the Matter of Stuart Waldman, Friends of Stuart
14 Waldman, and Kinde Durkee,” FPPC No. 10/643, including all attached exhibits, is hereby accepted as
15 the final decision and order of the Fair Political Practices Commission, effective upon execution below
16 by the Chairman.

17
18 IT IS SO ORDERED.

19
20 Dated: _____

Ann Ravel, Chair
Fair Political Practices Commission